

## ASHBY & GEDDES

ATTORNEYS AND COUNSELLORS AT LAW  
222 DELAWARE AVENUE  
P. O. BOX 1150  
WILMINGTON, DELAWARE 19899

TELEPHONE  
302-654-1888  
FACSIMILE  
302-654-2087

December 15, 2006

Dr. Peter T. Dalleo  
Clerk of the Court  
United States District Court  
844 King Street  
Wilmington, DE 19801

VIA ELECTRONIC FILING

Re: Pulmonetic Systems, Inc. v. VersaMed Medical Systems, Inc.  
Civil Action No. 06-564-JJF

Viasys Respiratory Care Inc. et al. v. VersaMed Medical Systems, Inc.  
Civil Action No. 06-579-SLR

Dear Dr. Dalleo:

I am Delaware counsel to the plaintiff in both of the above patent infringement actions, and I am writing, consistent with the spirit of Local Rule 3.1(b), to alert the Court to the fact that substantial overlap exists between these two cases. No request for consolidation is being made in this letter, and in fact, no request is being made for anything at all. I am writing merely as a courtesy, on the chance that the Court might appreciate being made aware of the overlap between these cases in order to consider the desirability, for reasons of efficiency, of assigning both cases to the same Judge.

Civil Action No. 06-564-JJF (the "Pulmonetic lawsuit") was filed on September 12, 2006. We held off serving the complaint in order to facilitate settlement discussions between the parties, which unfortunately were not successful. The complaint was served earlier today.

Civil Action No. 06-579-SLR (the "Viasys lawsuit") was filed on September 15, 2006. Following prompt service of the complaint, defendant served its answer and counterclaims on September 26, 2006, and plaintiff served its reply to the counterclaims on October 16, 2006. There have been no other substantive filings in the Viasys lawsuit.

The overlap arises from the following facts:

1. All of the plaintiffs are subsidiaries of Viasys Healthcare Inc.

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2. The patentee in the Pulmonetic lawsuit is Douglas F. DeVries. Mr. DeVries is also the first named inventor on the patent asserted in the Viasys lawsuit.
3. The asserted patents relate to ventilators.
4. All of the plaintiffs are represented by Sidley Austin LLP and Ashby & Geddes.
5. The defendant in both lawsuits is the same.
6. The defendant is represented by the same lawyers in both matters. Although defense counsel have not yet appeared in the Pulmonetic lawsuit, the attorneys who represented the defendant in the settlement discussions in that case are the same attorneys who have appeared for the defendant in the Viasys lawsuit.

Plaintiffs will be equally pleased to have both cases assigned to the same Judge, or to remain assigned to different Judges, and we seek only to make the Court aware of the issue so that it can make an informed decision as to how it wishes to proceed.

Very truly yours,

*/s/ Steven J. Balick*

Steven J. Balick

SJB/dmf

- c: The Honorable Sue L. Robinson (by hand)  
The Honorable Joseph J. Farnan, Jr. (by hand)  
Jack B. Blumenfeld, Esquire (by hand and via electronic mail)  
Steven P. Weihrouch, Esquire (via electronic mail)  
Jeffrey M. Olson, Esquire (via electronic mail)